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ATTORNEYS FOR PLAINTIFFS

UNITED STATES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHINA CENTRAL TELEVISION, a China company; CHINA INTERNATIONAL COMMUNICATIONS CO., LTD., a China company; TVB HOLDINGS (USA), INC., a California corporation; and DISH NETWORK L.L.C., a Colorado corporation, Plaintiffs,

CREATE NEW TECHNOLOGY (HK) LIMITED, a Hong Kong company; HUA YANG INTERNATIONAL TECHNOLOGY LIMITED, a Hong Kong company; SHENZHEN GREATVISION NETWORK TECHNOLOGY CO. LTD., a China company; CLUB TVPAD, INC., a California corporation; BENNETT WONG, an individual, ASHA MEDIA GROUP INC. d/b/a TVPAD.COM, a Florida corporation; AMIT BHALLA, an individual; NEWTVPAD LTD. COMPANY d/b/a NEWTVPAD.COM a/k/a TVPAD USA, a Texas corporation; LIANGZHONG ZHOU, an individual; HONGHUI CHEN d/b/a E-DIGITAL, an individual; JOHN DOE 1 d/b/a BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV; JOHN DOE 5 d/b/a GANG YUE; JOHN DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7 d/b/a GANG TAI WU XIA; and JOHN DOES 8-10.

Courtroom: 780
Judge: Hon. Margaret M.
Morrow

) Complaint Filed: March 13, 2015

1 Plaintiffs China Central Television, China International Communications Co.,
 2 Ltd., TVB Holdings (USA), Inc., and DISH Network L.L.C. (collectively
 3 “Plaintiffs”) hereby request that the Clerk of the above-entitled Court enter default in
 4 this matter against Defendant Create New Technology (HK) Limited (“CNT”). This
 5 request is made on the grounds that CNT has failed to respond to the complaint
 6 within the time prescribed the Federal Rules of Civil Procedure. *See* Declaration of
 7 Carla A. McCauley (“McCauley Decl.”) at ¶ 8.

8 Pursuant to Federal Rule of Civil Procedure 4(f)(1), (f)(2)(A) and (h)(2), on
 9 March 18, 2015, copies of Plaintiffs’ summons and complaint were personally
 10 delivered to CNT at its registered office address in Hong Kong, as evidenced by the
 11 Proof of Service of the Complaint, which was filed with the Court on March 24,
 12 2015. *See id.* at ¶¶ 3-4, Ex. B (Dkt. No. 38); *see also* Declaration of Tse Wai Suen
 13 (“Tse Decl.”) ¶¶ 6-7. Such service was effective in accordance with the Federal
 14 Rules of Civil Procedure, the Hague Convention on the Service Abroad of Judicial
 15 and Extrajudicial Documents, and the local law of Hong Kong—specifically, the
 16 Companies Ordinance of the Laws of Hong Kong.

17 First, pursuant to Federal Rule of Civil Procedure 4(f)(1), service may be
 18 effected “by any internationally agreed means...that is reasonably calculated to give
 19 notice, such as those authorized by the Hague Convention on the Service Abroad of
 20 Judicial and Extrajudicial Documents.” Fed. R. Civ. P. 4(f)(1). Hong Kong has
 21 adopted Article 10(b) of the Hague Convention, which provides:

22 Provided the State of destination does not object, the
 23 present Convention shall not interfere with...(b) the
 24 freedom of judicial officers, officials **or other competent**
 25 **persons of the State of origin to effect service of judicial**
 26 **documents directly through** the judicial officers, official
 27 **or other competent persons of the State of destination....**

1 *See* McCauley Decl. Ex. C (Official Hague Convention website discussion of Hong
 2 Kong) (emphasis added). Hong Kong specifically provides that “a private agent
 3 (usually a firm of solicitors) may be appointed directly to effect service. Such service
 4 can be effected directly without going through the Government or the judiciary.” *Id.*
 5 As a consequence, personal service may be effected by and through local solicitors in
 6 Hong Kong. Here, in conformity with the Hague Convention and Federal Rule of
 7 Civil Procedure 4(f)(1), Plaintiffs retained Vivien Chan & Co., a firm of Hong Kong
 8 solicitors, to effect service on CNT in Hong Kong. *See* McCauley Decl. ¶ 3; Tse
 9 Decl. ¶ 2.

10 Second, the method of service of the summons and complaint on CNT
 11 complies with Federal Rule of Civil Procedures 4(f)(2), which provides that “if an
 12 international agreement allows but does not specify other means,” service may be
 13 effected “by the method that is reasonably calculated to give notice: (A) as prescribed
 14 by the foreign country’s law for service in that country in an action in its courts of
 15 general jurisdiction....” Fed. R. Civ. P. 4(f)(2)(A). The Companies Ordinance of the
 16 Laws of Hong Kong specifically authorizes personal service of process on corporate
 17 entities by delivering the documents to the corporation’s registered office. Tse Decl.
 18 Ex. G (Chapter 622, Section 827, “Companies Ordinance: Service of Document”).
 19 That section states “A document may be served on a company by leaving it at, or
 20 sending it by post to, the company’s registered office.” *Id.* In addition, the
 21 Companies Ordinance also provides that “[a] company must have a registered office
 22 in Hong Kong to which all communications and noticed may be addressed.” Tse
 23 Decl. Ex. E (Chapter 622, Section 658, “Registered office of company”). *Id.* In
 24 conformity with this Hong Kong law governing service on Hong Kong companies,
 25 on March 18, 2015 Plaintiffs’ solicitors in Hong Kong (Vivien Chan & Co.)
 26 personally served the summons and complaint on CNT at its registered office in
 27 Hong Kong. Tse Decl. ¶¶ 6-7. Such service constitutes valid service under the
 28 Hague Convention, the Federal Rules of Civil Procedure and local law. *See In re*

1 *Cyrus II Partnership*, 392 B.R. 248, 257-59 (S.D. Tex. 2008) (holding that personal
 2 service of summons and complaint by Hong Kong service agent on defendant Hong
 3 Kong company's registered office address constitutes valid service under Section 356
 4 (now Section 827) of the Companies Ordinance of the Laws of Hong Kong, the
 5 Hague Convention, and Federal Rules of Civil Procedure Rules 4(h)(2) and
 6 4(f)(2)(A)); Tse Decl. ¶ 4 and Ex. G (attaching renumbered and amended Section 827
 7 of the Companies Ordinance of the Laws of Hong Kong); *see also Supra Medical*
 8 *Corp. v. McGonigle*, 955 F. Supp. 374, 383-84 (E.D. Pa. 1997) (holding that
 9 personal service of UK company through a local solicitor constituted valid service
 10 under Hague Convention and F.R.C.P. 4(f)(2)).

11 As a result, CNT's initial deadline to respond to the Complaint was April 8,
 12 2015, or 21 days following service of the documents. *See* Fed. R. Civ. P.
 13 12(a)(1)(A); *see also* McCauley Decl. ¶ 7. On April 8, 2015, the parties entered into
 14 a stipulation to continue the date by which CNT had to respond to the complaint to
 15 April 22, 2015. McCauley Decl. ¶ 7 and Ex. E. On April 17, 2015, counsel for CNT
 16 filed a Motion to Withdraw, in which counsel stated that CNT did not intend to file a
 17 response to the complaint. McCauley Decl. ¶ 8 and Ex. F at 3:7-11. CNT has not
 18 filed a responsive pleading by the April 22, 2015 date. McCauley Decl. ¶ 8. By
 19 email dated April 27, 2015, counsel for Plaintiffs, Lance Koonce, wrote to counsel of
 20 record for CNT (Lester Aponte of Young, Zinn & Bate LLP) that Plaintiffs intended
 21 to file a Request for Default, and confirming that CNT did not intend to file any
 22 response to the Complaint. McCauley Decl. ¶ 9 and Ex. H. Mr. Aponte responded
 23 on April 27, 2015, confirming to his understanding that CNT did not intend to file a
 24 response and copying counsel to CNT at the firm of Morris, Manning & Martin LLP.
 25 *Id.* In response to a follow up email from Mr. Koonce, John P. Fry of Manning &
 26 Martin LLP confirmed on April 28, 2015 that to his understanding that CNT did not
 27 intend to file a response. *Id.*

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1 In addition, default is appropriate, as CNT is not a minor, an incompetent
2 person or a person whose waiver has been filed. *See* Fed. R. Civ. P. 4(f); *see also*
3 McCauley Decl. ¶ 10. Accordingly, Plaintiffs respectfully request that default be
4 entered against CNT.

5 DATED: May 1, 2015

DAVIS WRIGHT TREMAINE LLP
CARLA A. McCauley
ROBERT D. BALIN (*pro hac vice*)
LACY H. KOONCE, III (*pro hac vice*)
SAMUEL BAYARD (*pro hac vice*)
GEORGE WUKOSON (*pro hac vice*)

9
10 By: _____ /s Carla A. McCauley
11 Carla A. McCauley
12 Attorneys for Plaintiffs
13 CHINA CENTRAL TELEVISION; CHINA
14 INTERNATIONAL COMMUNICATIONS CO.,
15 LTD.; TVB HOLDINGS (USA), INC.; AND
16 DISH NETWORK L.L.C.
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DECLARATON OF CARLA A. MCCAULEY

DECLARATION OF CARLA A. MCCUALEY

I, Carla A. McCauley, declare as follows:

1. I am licensed to practice law before all the courts in the State of California and am admitted to the United States Court of Appeals for the Ninth Circuit. I am a partner at Davis Wright Tremaine LLP, counsel for Plaintiffs in the above-entitled matter. I submit this Declaration in support of Plaintiffs' Request for Entry of Default. I have personal knowledge of the facts contained herein, and, if called upon as a witness, I could and would testify competently about these facts, except for those matters stated expressly upon information and belief, which matters are believed to be true.

2. According to records of the Hong Kong Companies Registry, the registered office address for Defendant Create New Technology (HK) Limited (“CNT”) is Room D, 10/F, Tower A, Billion Centre, 1 Wang Kwong Road, Kowloon Bay, Kowloon, Hong Kong. Attached hereto as **Exhibit A** is a true and correct copy of the Notice of Change of Address of Registered Office, dated April 29, 2014, which lists the registered office address for CNT.

3. On March 16, 2015, Pacific Daylight Time, my colleague George Wukoson electronically delivered copies of the summons and complaint in this matter to “Owen” Tse Wai Suen, a Partner at the Hong Kong law firm Vivien Chan & Co., Solicitors & Notaries, with offices located in Hong Kong at 57/F Cheung Kong Center, 2 Queen’s Road Central. On March 18, 2015, Mr. Tse confirmed that his law firm had effected personal service of the summons and complaint on CNT by delivering the summons and complaint to CNT’s registered office in Hong Kong. Thereafter, I received an executed proof of service from Mr. Tse. I was copied on all of the communications between Mr. Wukoson and Mr. Tse.

4. On March 24, 2015, I caused to be filed Plaintiffs' Proof of Service on CNT with the Court, Document No. 38. Attached hereto as **Exhibit B** is a true and correct copy of the Proof of Service filed with the Court.

1 5. Attached hereto as **Exhibit C**, is a true and correct copy of a print-out
 2 from the Authorities page for Hong Kong, from the website for the Hague
 3 Conference on Private International Law, the official website for the Hague
 4 Convention, located at
 5 http://www.hcch.net/index_en.php?act=authorities.details&aid=393, which I printed
 6 on April 20, 2015.

7 6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from
 8 Butterworth's Hong Kong Company Law Handbook, containing Section 356 of the
 9 Companies Ordinance (Chapter 32 of the Laws of Hong Kong)—which is the version
 10 of Section 827 of the Companies Ordinance (Chapter 622 of the Laws of Hong
 11 Kong) that existed prior to the ordinance's amendment in 2014 as detailed in
 12 paragraph 4 of the concurrently filed Declaration of Tse Wai Suen.

13 7. Given that service of the summons and complaint was effected on CNT
 14 on March 18, 2015, CNT was required to respond to the complaint on or before April
 15 8, 2015, or 21 days after service was effected. On April 7, 2015, Counsel for CNT,
 16 Lester Aponte, requested an extension of CNT's deadline to respond to the complaint
 17 to April 22, 2015. The parties thereafter entered into a stipulation to that effect,
 18 Document No. 47, which is attached hereto as **Exhibit E**.

19 8. On April 17, 2015, counsel for CNT filed a Motion to Withdraw, in
 20 which counsel stated that CNT did not intend to file a response to the complaint. *See*
 21 Document 56-1 at 3:7-11. Attached hereto as **Exhibit F** is a true and correct copy of
 22 an excerpt from the memorandum in support of the Motion to Withdraw. On April
 23 22, 2015, CNT failed to file a response to the complaint.

24 9. My partner, Lance Koonce, thereafter wrote to counsel of record for
 25 CNT (Lester Aponte of Young, Zinn & Bate LLP) that Plaintiffs intended to file a
 26 Request for Default, and confirming that CNT did not intend to file any response to
 27 the Complaint. Mr. Aponte responded on April 27, 2015, confirming to his
 28 understanding that CNT did not intend to file a response and copying counsel to CNT

1 at the firm of Morris, Manning & Martin LLP. In response to a follow up email from
2 Mr. Koonce, John P. Fry of Manning & Martin LLP confirmed on April 28, 2015
3 that to his understanding that CNT did not intend to file a response. A true and
4 correct copy of that email exchange is attached hereto as **Exhibit H**.

5 10. CNT is a company organized under the laws of Hong Kong, and not a
6 minor or incompetent person.

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed April 30, 2015 at Los Angeles, California.

10 _____/s Carla A. McCauley
11 Carla A. McCauley
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DECLARATION OF TSE WAI SUEN

DECLARATION OF TSE WAI SUEN

I, Tse Wai Suen, declare as follows:

1. I am a solicitor of the High Court of Hong Kong and a partner of Vivien Chan & Co., the Hong Kong solicitors for Plaintiffs in this matter. I submit this Declaration in support of Plaintiffs' Request for Entry of Default. I have personal knowledge of the facts contained herein, and, if called upon as a witness, I could and would testify competently about these facts, except for those matters stated expressly upon information and belief, which matters are believed to be true.

2. Vivien Chan & Co. maintains offices located in Hong Kong at 57/F Cheung Kong Center, 2 Queen's Road Central. Vivien Chan & Co. has been retained by Plaintiffs to assist with service of process on certain Defendants in this matter located in Hong Kong.

3. Section 827 of the Companies Ordinance (Chapter 622 of the Laws of Hong Kong) provides for the method of service of documents on a Hong Kong incorporated company. It reads as follows: “A document may be served on a company by leaving it at, or sending it by post to, the company’s registered office.” In addition, Section 658 (1) and (3) of the Companies Ordinance (Chapter 622 of the Laws of Hong Kong) provides that “[a] company must have a registered office in Hong Kong to which all communications and notices may be addressed”, and that if the address is changed, “the company must deliver to the Registrar for registration a notice of the change in the specific form within 15 days after the change.” Failure to abide by these sections may lead to fines.

4. Attached hereto as **Exhibit G** is a true and correct copy of an excerpt from the Hong Kong Companies Ordinance (Chapter 622 of the Laws of Hong Kong), that includes Sections 658 and 827 of the Companies Ordinance (Chapter 622 of the Laws of Hong Kong) , available from the Hong Kong government's Bilingual Laws Information System website at
http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532

1 /707C1C4DC6BDF92848257A5500549A21/\$FILE/CAP_622_e_b5.pdf, which I
 2 verified accurately reflect the contents of that website on April 21, 2015. Section
 3 658(1) and (3) of the Companies Ordinance (Chapter 622 of the Laws of Hong
 4 Kong) is modified from and hence has the similar effects as Section 92(1) and (3) of
 5 the previous Companies Ordinance (Chapter 32 of the Laws of Hong Kong). Section
 6 92 (1) and (3) of the previous Companies Ordinance (Chapter 32 of the Laws of
 7 Hong Kong) provided that: “[a] company shall have a registered office in Hong
 8 Kong to which all communications and notices may be addressed” and “[if] the
 9 address of a company’s registered office is changed, a notice of the change in the
 10 specified form shall be sent to the Registrar within 14 days after the date of the
 11 change, who shall record the same...” Section 827 of the Companies Ordinance
 12 (Chapter 622 of the Laws of Hong Kong) is modified from and hence has the similar
 13 effects as Section 356 of the previous Companies Ordinance (Chapter 32 of the Laws
 14 of Hong Kong). Section 356 of the previous Companies Ordinance (Chapter 32 of
 15 the Laws of Hong Kong) provided that “[a] document may be served on a company
 16 by leaving it at, or sending it by post to, the company’s registered office.” The
 17 Companies Ordinance (Chapter 622 of the Laws of Hong Kong) came into operation
 18 and replaced the previous Companies Ordinance (Chapter 32 of the Laws of Hong
 19 Kong) in March 2014.

20 5. On March 17, 2015, Hong Kong time, copies of the summons and
 21 complaint in this matter were electronically delivered to me by George Wukoson of
 22 Davis Wright Tremaine LLP, counsel for Plaintiffs.

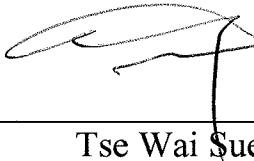
23 6. On March 17, 2015 I confirmed by consulting records of the Hong Kong
 24 Companies Registry that the registered office for Defendant Create New Technology
 25 (HK) Limited (“CNT”) is Room D, 10/F, Tower A, Billion Centre, 1 Wang Kwong
 26 Road, Kowloon Bay, Kowloon, Hong Kong.

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1 7. On March 18, 2015, at my direction, Leung Shun Chi of Vivien Chan &
2 Co. delivered copies of the summons and complaint in this matter to CNT at this
3 registered office address.

4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct.

6 Executed April 27, 2015 at Hong Kong.



Tse Wai Suen

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EXHIBIT A



公司註冊處
Companies Registry

註冊辦事處地址更改通知書
Notification of Change of Address of
Registered Office

(《公司條例》第 92(3)條)
(Companies Ordinance s. 92(3))

表格
Form R1

重要事項 Important Notes

- 填表前請參閱《填表須知》。
請用黑色墨水列印。
- Please read the accompanying notes before completing this form.
Please print in black ink.

公司編號 Company Number

1681386

1 公司名稱 Company Name

HUA YANG INTERNATIONAL TECHNOLOGY LIMITED
華揚國際科技有限公司

2 更改詳情 Details of Change

(註 Notes
1& 5)

在香港的註冊辦事處地址 Address of Registered Office in Hong Kong

Rm. 19C, Lockhart Ctr., 301-307 Lockhart Rd., Wan Chai, Hong Kong.

(「轉交」地址及郵政信箱號碼恕不接受 'Care of' addresses and post office box numbers are not acceptable)

生效日期 Effective Date

	19 JAN 2014	
日 DD	月 MM	年 YYYY

(註 Note 6)

3 電郵地址 E-mail Address

.....

生效日期 Effective Date

日 DD	月 MM	年 YYYY

(註 Note 4) 簽署 Signed :

姓名 Name :

CHEN XIA 陳俠

董事 Director / 秘書 Secretary *

日期 Date :

20 JAN 2014

日 DD / 月 MM / 年 YYYY

*請刪去不適用者 Delete whichever does not apply

(註 Note 3)

提交人的資料 Presentor's Reference

姓名 Name: JOY ENTERPRISE SECRETARY
SERVICES LIMITED

地址 Address: Rm. 19C, Lockhart Ctr.,
301-307 Lockhart Rd.,
Wan Chai, Hong Kong

電話 Tel: 25988776 傳真 Fax: 2598 8909

電郵地址 E-mail Address:

檔號 Reference: S214-0021

請勿填寫本欄 For Official Use



22700981410
R1
20/01/2014

1681386

EXHIBIT B

1 CARLA A. McCUALEY (State Bar No. 223910)
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3 DAVIS WRIGHT TREMAINE LLP
4 865 South Figueroa Street, 24th Floor
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15 DAVIS WRIGHT TREMAINE LLP
16 1633 Broadway
17 New York, New York 10019
18 Tel.: (212) 489-8230 Fax: (212) 489-8340
19 ATTORNEYS FOR PLAINTIFFS

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 CHINA CENTRAL TELEVISION, a China } Case No.
14 company; CHINA INTERNATIONAL } CV 15-1869 MMM (AJWx)
15 COMMUNICATIONS CO., LTD., a China }
16 company; TVB HOLDINGS (USA), INC., a } PROOF OF PERSONAL
17 California corporation; and DISH } SERVICE OF SUMMONS AND
18 NETWORK L.L.C., a Colorado corporation, } COMPLAINT ON HUA YANG
19 Plaintiffs, } INTERNATIONAL
20 vs. } TECHNOLOGY LIMITED
21 CREATE NEW TECHNOLOGY (HK) }
22 LIMITED, a Hong Kong company; HUA }
23 YANG INTERNATIONAL TECHNOLOGY }
24 LIMITED, a Hong Kong company; }
25 SHENZHEN GREATVISION NETWORK }
26 TECHNOLOGY CO. LTD., a China }
27 company; CLUB TVPAD, INC., a California } Courtroom: 780
28 corporation; BENNETT WONG, an } Judge: Hon. Margaret M. Morrow
individual, ASHA MEDIA GROUP INC. }
d/b/a TVPAD.COM, a Florida corporation; }
AMIT BHALLA, an individual; }
NEWTVPAD LTD. COMPANY d/b/a }
NEWTVPAD.COM a/k/a TVPAD USA, a } Action Filed: March 13, 2015
Texas corporation; LIANGZHONG ZHOU, } Trial Date:
an individual; HONGHUI CHEN d/b/a E- }
DIGITAL, an individual; JOHN DOE 1 d/b/a }
BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN }
DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV; }
JOHN DOE 5 d/b/a GANG YUE; JOHN }
DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7 }
d/b/a GANG TAI WU XIA; and JOHN DOES }
8-10, }
Defendants. }

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Davis Wright Tremaine LLP Carla A. McCauley SBN 223910 865 S. Figueroa Street, Suite 2400 Los Angeles, CA 90017 TELEPHONE NO.: (213) 633-6800 FAX NO. (Optional): (213) 633-6899 E-MAIL ADDRESS (Optional): carlamccauley@dwt.com ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY
UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA		
STREET ADDRESS: 312 N. Spring Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Western Division		
PLAINTIFF/PETITIONER: China Central Television, et al.		CASE NUMBER: CV 15-1869 MMM (AJWx)
DEFENDANT/RESPONDENT: Create New Technology (HK) Limited, et al		Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (*served in complex cases only*)
 - e. cross-complaint
 - f. other (*specify documents*): Notice of Related Case; Notice of Interested Parties; Corporate Disclosure Statement; Notice of Assignment; Report Re: Trademark; Report Re: Copyright
3. a. Party served (*specify name of party as shown on documents served*): Hua Yang International Technology Limited
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*):
4. Address where the party was served: Room 19c, Lockhart Ctr., 301-307 Lockhart Rd., Wan Chai, Hong Kong
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): March 17, 2015 (2) at (time): 5:00 p.m.
 - b. **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3*):
 - (1) (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: China Central Television, et al.	CASE NUMBER: CV 15-1869 MMM (AJWx)
DEFENDANT/RESPONDENT: Create New Technology (HK) Limited, et al	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):
 (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
 (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. **by other means (specify means of service and authorizing code section):**

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.
 b. as the person sued under the fictitious name of (specify):
 c. as occupant.
 d. On behalf of (specify): Hua Yang International Technology Limited
 under the following Code of Civil Procedure section:

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
	<input checked="" type="checkbox"/> other: FRCP 4(f)(2); CCP § 413.10(c); Companies Ordinance § 827, Cap. 622 of the Laws of Hong Kong

7. **Person who served papers**

a. Name: Leung Shun Chi
 b. Address: Vivien Chan & Co., Solicitors & Notaries, 57/F Cheung Kong Center, 2 Queen's Road Central, Hong Kong
 c. Telephone number: (852) 2533 2162
 d. The fee for service was: \$

e. I am:

(1) not a registered California process server.
 (2) exempt from registration under Business and Professions Code section 22350(b).
 (3) a registered California process server:
 (i) owner employee independent contractor.
 (ii) Registration No.:
 (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

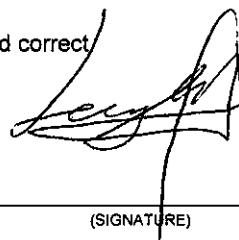
or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: March 23, 2015

LEUNG SHUN CHI

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

PROOF OF SERVICE BY MAIL

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On March 24, 2015, I served the foregoing document(s) described as:

1. PROOF OF PERSONAL SERVICE OF SUMMONS AND COMPLAINT ON HUA YANG INTERNATIONAL TECHNOLOGY LIMITED
2. PROOF OF PERSONAL SERVICE OF SUMMONS AND COMPLAINT ON CREATE NEW TECHNOLOGY (HK) LIMITED
3. PROOF OF PERSONAL SERVICE OF SUMMONS AND COMPLAINT ON LIANGZHONG ZHOU
4. PROOF OF PERSONAL SERVICE OF SUMMONS AND COMPLAINT ON LIANGZHONG ZHOU AS AGENT FOR NEWTVPAD LTD. CO. D/B/A NEWTVPAD.COM A/D/A TVPAD USA

by placing a **true copy** of said document(s) enclosed in a sealed envelope(s) for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Soyeon D Choi, Esq. Attorney for Club TVpad, Inc., Bennett Wong	333 Twin Dolphin Drive, Suite 220 Redwood Shores CA 94065
Rena Mehta Asha Media Group	10031 Remington Drive, Riverview, FL 33578
Amit Bhalla	3102 W. El Prado Blvd., Unit 1 Tampa, FL 33629
Liangzhong Zhou newTVPad Ltd. Co. d/b/a newtvpad.com a/k/a TVpad USA	7411 La Bolsa Dr. Dallas, TX 75248
Honghui Chen d/b/a e-Digital	815 S. Marguerita Ave. Alhambra, CA 91801
Create New Technology (HK) Limited	Limited, Room D, 10/F, Tower A, Billion Centre, 1 Wang Kwong Road, Kowloon Bay, Kowloon, Hong Kong, China
Hua Yang International Technology Ltd	Room 19c, Lockhart Rd., 301-307 Lockhart Rd., Wan Chai, Hong Kong, China

I placed such envelope(s) with postage thereon fully prepaid for deposit in the United States Mail in accordance with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service. I am familiar with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service, which practice is that when correspondence is deposited with the Davis Wright Tremaine LLP, personnel responsible for delivering correspondence to the United States Postal Service, such correspondence is delivered to the United States Postal Service that same day in the ordinary course of business.

Executed on March 24, 2015, at Los Angeles, California.

Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Frank M. Romero

Print Name

Frank M. Romero

Signature

Service/Waivers of Summons and Complaints :2:15-cv-01869-MMM-AJW China Central Television et al v. Create New Technology HK Limited et alACCO,(AJWx),**AO120, AO121, DISCOVERY, MANADR****UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA****Notice of Electronic Filing**

The following transaction was entered by McCauley, Carla on 3/24/2015 at 2:39 PM PDT and filed on 3/24/2015

Case Name: China Central Television et al v. Create New Technology HK Limited et al**Case Number:** 2:15-cv-01869-MMM-AJW**Filer:** China International Communications Co., Ltd.

China Central Television

TVB Holdings USA Inc

Dish Network L.L.C.

Document Number: 39**Docket Text:****PROOF OF SERVICE Executed by Plaintiff China International Communications Co., Ltd., China Central Television, TVB Holdings USA Inc, Dish Network L.L.C., upon Defendant Hua Yang****International Technology Limited served on 3/17/2015, answer due 4/7/2015. in compliance with California Code of Civil Procedure by personal service. Original Summons returned. (McCauley, Carla)****2:15-cv-01869-MMM-AJW Notice has been electronically mailed to:**

Carla A McCauley carlamccauley@dwt.com, frankromero@dwt.com

George P Wukoson georgewukoson@dwt.com

Lacy H Koonce , III lancekoonce@dwt.com

Robert D Balin robbalin@dwt.com

Samuel M Bayard samuelbayard@dwt.com

2:15-cv-01869-MMM-AJW Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

The following document(s) are associated with this transaction:

Document description: Main Document**Original filename:** C:\Users\rome\Desktop\POS complaints\Hua Yang International Tecnology Limited.pdf**Electronic document Stamp:**

[STAMP_cacdStamp_ID=1020290914 [Date=3/24/2015] [FileNumber=19171684-0]

] [c36df87bd3fa135916e35660199384e83b753ffd64c4d1c5e884d63922a38f1809f

ae035c3c25a9c29f034e3c50e9dc06ff341a2399ee66b203c40780d5740ad]]

EXHIBIT C

Authorities

	China (Hong Kong) - Other Authority (Art. 18) & practical information
Central Authority(ies):	
<i>Chief Secretary for Administration</i>	
Contact details:	
Address:	Chief Secretary for Administration Hong Kong Special Administrative Region Government Room 321, 3/F, East Wing Central Government Offices 2 Tim Mei Avenue Admiralty Hong Kong, China
Telephone:	+852 2810 3969
Fax:	+852 2842 8897
E-mail:	cso@cso.gov.hk
General website:	http://www.cso.gov.hk/
Contact person:	For information on contact persons, click here .
Languages spoken by staff:	English, Chinese
Practical Information: <i>(The following information was provided by the relevant State authorities or was obtained from the replies to the 2003 and/or 2008 Service Convention Questionnaires)</i>	
Forwarding authorities (Art. 3(1)):	Chief Secretary for Administration
	<i>Formal Service</i> (Art. 5(1)(a)) Service of documents is effected by the Chief Bailiff of the Court. Unless specifically requested otherwise,

formal service will be performed in one of the following ways:

- a) by personal service on addressee if the addressee is a person;
- b) by leaving at the registered office address if the addressee is a limited company or corporation; or
- c) by personal service on an officer of the company or corporation if the addressee is a limited company or corporation and the registered office is no longer occupied or used by the addressee.

Informal delivery (Art. 5(2))

The informal delivery is also carried out by the Chief Bailiff.

Service by a particular method (Art. 5(1)(b))

Service by a particular method as requested by the applicant unless such a method is incompatible with the local law.

For service in general, see Order 69 rule 3 of the Rules of the High Court, Chapter 4A, Laws of the Hong Kong Special Administrative Region and for service on companies, see section 356 of the Companies Ordinance, Chapter 32, Laws of the Hong Kong Special Administrative Region. See: legislation.gov.hk.

For service on companies, see section 356 of the Companies Ordinance (Cap. 32):

[legislation.gov.hk/...\).](http://legislation.gov.hk/...)

Address

Translation requirements (Art. 5(3)):

Documents have to be in English or Chinese, if not, translation into either of the 2 languages is required, (Order 69,r.3, Rules of High Court, Chapter 4A, Laws of the Hong Kong Special Administration Region).

Costs relating to execution of the request for service (Art. 12):

Hong Kong does not impose any fee for executing requests under the Convention. Service is effected by the Bailiff but if a particular method of service is requested e.g. advertisement in newspaper, the charges will have to be paid or reimbursed.

Time for execution of request:

Around 3-4 months

Judicial officers, officials or other competent persons (Art. 10(b)):

The practice of our court is that whenever such requests are received, they will be forwarded to the competent authority for Hong Kong (Chief Secretary for Administration) for processing. Direct service through Government officials is not available in Hong Kong. However, a private agent (usually a firm of solicitors) may be appointed directly to effect service. Such service can be effected directly without going through the Government or the judiciary.

The Hong Kong Judiciary does not seek reimbursement of the costs. The charges made by solicitors appointed to serve process by foreign judicial officers, officials or other competent persons are not regulated by the Government. They vary depending on the services required and time taken to execute the request.

Oppositions and declarations (Art. 21(2)):

(Click [here](#) to read all the declarations for the Hong Kong Special Administrative Region made under the Service Convention.)

Art. 8(2):

Opposition

Art. 10(a):

No opposition

Art. 10(b):

Additional information – See [declarations](#)

Art. 10(c):

Additional information – See [declarations](#)

Art. 15(2):

No declaration of applicability

Art. 16(3):

No declaration of applicability

Derogatory channels (bilateral or multilateral agreements or internal law permitting other transmission channels) (Arts. 11, 19, 24 and 25)

There are no other bilateral or multilateral agreements. There is, however, an internal arrangement on service of process between Hong Kong Special Administrative Region and the Mainland.

Disclaimer:

Information may not be complete or fully updated – please contact the relevant authorities to verify this information.

<http://www.judiciary.gov.hk/> (Court's services - Bailiff's Office)
<http://www.legislation.gov.hk/> (Bilingual Laws

Useful links:	Information System) http://www.hklii.org.hk/ (Hong Kong Legal Information Institute)
---------------	--

(This page was last updated on 18 July 2014)

**Conventions
(incl.
Protocols
and
Principles)**

- [Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters](#) [14]

EXHIBIT D

BUTTERWORTHS HONG KONG COMPANY LAW HANDBOOK

Companies Ordinance (Cap 32)

公司條例 (第 32 章)

(with annotations)

DEC 27 2001

Annotators

Professor Roman Tomasic

LLB (Syd), PhD (NSW), SJD (Wisc)

Dean, Faculty of Business and Law, Victoria University, Australia

ELG Tyler

MA (Oxon) Barrister, Lincoln's Inn and
Hong Kong Barrister and Solicitor of the
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New Zealand	BUTTERWORTHS OF NEW ZEALAND LTD Wellington and Auckland
UK	BUTTERWORTH & Co (PUBLISHERS) LTD London and Edinburgh
USA	LEXIS® LAW PUBLISHING Charlottesville, Virginia

Butterworths Asia is a division of Reed Elsevier (Singapore) Pte Ltd



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ISBN: 962-8105-30-2

Typeset by Impression One Sdn Bhd
Printed and bound by Printmate Sdn Bhd

EXHIBIT E

Chapter:	622	Companies Ordinance	Gazette Number	Version Date
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	Long title	L.N. 163 of 2013	03/03/2014
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An Ordinance to reform and modernize Hong Kong company law, to restate part of the enactments relating to companies, to make other provision relating to companies, and to provide for incidental and connected matters.

[Parts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19 and 21	}
Part 2, except—	}
section 27(3), (4), (5) and (6) in so far as it relates to a director or reserve director	}
sections 47, 49, 50, 51 and 52 and Subdivision 2 of Division 7	}
Part 12, except—	}
section 643(1)(a)(ii), (2)(b) and (3)(b) in so far as it relates to a correspondence address	}
sections 643(5), 644, 645(5), 647(4) and (5), 651 and 657(2)(g)	}
Part 16, except sections 791(4) and 802(4) and (5)	}
Part 20, except section 908	}
Schedules 1, 3, 4, 5, 7, 9 and 10	}
Schedule 2, except section 3(1)(a)(iii) and (2)	}
Schedule 6, except sections 3 and 4	3 March 2014 <i>L.N. 163 of 2013]</i>
Schedule 11, except section 115	}

(Enacting provision omitted—E.R. 1 of 2013)

(Originally 28 of 2012)

Part:	1	Preliminary	L.N. 163 of 2013	03/03/2014
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(*Format changes—E.R. 1 of 2013)

Note:

* The format of Part 1 has been updated to the current legislative styles.

Part:	1	Short Title and Commencement	L.N. 163 of 2013	03/03/2014
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Section:	1	Short title and commencement	L.N. 163 of 2013	03/03/2014
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- (1) This Ordinance may be cited as the Companies Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

Part:	1	Interpretation of this Ordinance: General	L.N. 163 of 2013	03/03/2014
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- (i) the company; and
- (ii) every responsible person of the company;
- (b) a person who commits an offence mentioned in paragraph (a) is liable to a fine not exceeding level 5 and, in the case of a continuing offence, to a further fine not exceeding \$1000 for each day during which the offence continues;
- (c) the Court may—
 - (i) by order compel an immediate inspection of company records;
 - (ii) by order direct that a copy of company records, or a copy of a trust deed, be provided to a person entitled to be provided with the copy; and
 - (iii) make any order as to the time, duration and manner of inspection, including the circumstances in which and the extent to which the copying of information is permitted in the course of inspection; and
- (d) if company records or a trust deed is kept at the office of a person other than the company concerned, an order mentioned in paragraph (c) may be made against that other person and that other person’s officers and other employees (if any).

(5) Nothing in any provision of this Ordinance or in the regulations made under this section is to be construed as preventing a company—

- (a) from providing more extensive facilities than are required by the regulations; or
- (b) if a fee may be charged, from charging a lesser fee than that prescribed or none at all.

(6) In this section—

trust deed(信託契據) means a trust deed or any other document securing the issue of debentures.

Part:	12	Registered Office and Publication of Company Names	L.N. 163 of 2013	03/03/2014
Division:	4			

Section:	658	Registered office of company	L.N. 163 of 2013	03/03/2014
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- (1) A company must have a registered office in Hong Kong to which all communications and notices may be addressed.
- (2) The intended address of a company’s registered office stated in the incorporation form registered in respect of the company is to be regarded as the address of its registered office with effect from the date of its incorporation until a notice of change in respect of the address is delivered to the Registrar under subsection (3).
- (3) If the address of a company’s registered office is changed, the company must deliver to the Registrar for registration a notice of the change in the specified form within 15 days after the change.
- (4) The inclusion in the annual return of a company of a statement as to the address of its registered office does not satisfy the obligation imposed by subsection (3).
- (5) If a company contravenes subsection (1) or (3), the company, and every responsible person of the company, commit an offence, and each is liable to a fine at level 5 and, in the case of a continuing offence, to a further fine of \$1000 for each day during which the offence continues.

Section:	659	Requirement to disclose company name, etc.	L.N. 163 of 2013	03/03/2014
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- (1) The Financial Secretary may make regulations to require companies—
 - (a) to display prescribed information in prescribed locations;
 - (b) to state prescribed information in common seals, and in prescribed descriptions of documents or communications; and
 - (c) to provide prescribed information on request to those they deal with in the course of their business.
- (2) The regulations—
 - (a) may in prescribed circumstances require disclosure of the name of the company;
 - (b) may make provision as to the manner in which any prescribed information is to be displayed, stated or provided; and
 - (c) may exempt a company from any requirement of the regulations made under subsection (1).
- (3) The regulations may provide that, for the purposes of any requirement to disclose a company’s name, any

- (a) the second business day after the day on which the document or information is sent or supplied;
- (b) the time set out in subsection (3) or (4).

(3) If that other person is not a company, the time set out for the purposes of subsection (2)(b) is—

- (a) where that other person is a member of the company, the time specified for the purpose in the company’s articles;
- (b) where that other person is a debenture holder of the company, the time specified for the purpose in the instrument creating the debenture; or
- (c) where that other person is not such a member or holder, the time specified for the purpose in any agreement between the person and the company.

(4) If that other person is a company, the time set out for the purposes of subsection (2)(b) is—

- (a) where that other person is a member of the company, the time specified for the purpose in the company’s articles;
- (b) where the company is a member of that other person, the time specified for the purpose in the person’s articles;
- (c) where that other person is a debenture holder of the company or where the company is a debenture holder of that other person, the time specified for the purpose in the instrument creating the debenture; or
- (d) where neither that other person nor the company is such a member or holder, the time specified for the purpose in any agreement between the person and the company.

Section:	825	Address specified for purposes of sections 831(3)(b)(iii) and 832(2)(b)	L.N. 163 of 2013	03/03/2014
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- (1) This section specifies the address, in relation to a document or information sent or supplied by a company to another person, for the purposes of sections 831(3)(b)(iii) and 832(2)(b).
- (2) Subject to subsections (3) and (4), the address is—
 - (a) an address specified for the purpose by that other person generally or specifically; or
 - (b) an address to which a provision of this Ordinance authorizes or requires the document or information to be sent or supplied.
- (3) If that other person (whether or not a company) is a member, debenture holder, director or company secretary of the company, the address is—
 - (a) the address specified in subsection (2); or
 - (b) the person’s address as shown in the company’s register of members, register of debenture holders, register of directors or register of company secretaries.
- (4) If that other person is a company and is not a person covered by subsection (3), the address is—
 - (a) the address specified in subsection (2); or
 - (b) its registered office.
- (5) If the company is unable to obtain an address specified in subsection (2), (3) or (4), the address is that other person’s address last known to the company.

Section:	826	Effect of this Part on sending documents etc. to Registrar	L.N. 163 of 2013	03/03/2014
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In its application in relation to documents or information to be sent or supplied to the Registrar, this Part has effect subject to Part 2.

Part:	18	Service of Document on Company	L.N. 163 of 2013	03/03/2014
Division:	2			

Section:	827	Service of document	L.N. 163 of 2013	03/03/2014
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A document may be served on a company by leaving it at, or sending it by post to, the company’s registered office.

EXHIBIT F

Case 2:15-cv-01869-MMM-AJW Document 56-1 Filed 04/17/15 Page 1 of 7 Page ID #:2073

1 Harry A. Zinn (SBN 116397)
2 hzinn@yzblaw.com
3 Lester F. Aponte (SBN 143692)
4 laponte@yzblaw.com
5 YOUNG, ZINN & BATE LLP
6 888 South Figueroa Street, Fifteenth Floor
7 Los Angeles, California 90017
8 Telephone: (213) 362-1860
9 Facsimile: (213) 362-1861

10
11 Attorneys for Defendant
12 CREATE NEW TECHNOLOGY (HK) CO. LTD.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CHINA CENTRAL TELEVISION, A
China company; ET AL.,

Plaintiffs,

vs.

CREATE NEW TECHNOLOGY
(HK) LIMITED, a Hong Kong
Company, ET AL.,

Defendants.

Case No. CV 15-1869 MMM (AJWx)

Assigned for all purposes to:
Honorable Margaret M. Morrow

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL FOR DEFENDANT
CREATE NEW TECHNOLOGY (HK)
CO. LTD.

DATE: June 29, 2015
TIME: 10:00 AM
PLACE: Courtroom 780

1 A. **INTRODUCTION**

2 There is good cause under the Local Rules for counsel to withdraw from
 3 representation of Create New Technology (HK) Co. Ltd. (“Create”). *First*, Create
 4 has consented to the withdrawal, and *second*, Create has refused to participate in
 5 upcoming Court deadlines. In addition, counsel has complied with the requirements
 6 of the Local Rules in seeking withdrawal.

7 B. **STATEMENT OF FACTS**

8 Plaintiffs China Central Television, China International Communications,
 9 Co., Ltd., TVB Holdings (USA), Inc., and DISH Network, L.L.C. (collectively
 10 “Plaintiffs”) filed this action on March 13, 2015. On April 8, counsel for Create
 11 (Harry A. Zinn and Lester F. Aponte with the law firm Young, Zinn & Bate LLP),
 12 made appearances to file a stipulation extending the time for Create to answer or
 13 otherwise respond to April 22. Create is also represented by attorneys at Morris,
 14 Manning & Martin LLP, who due to the issues raised herein, decided not to file
 15 motions for admission *pro hac vice* (collectively, with Harry A. Zinn and Lester F.
 16 Aponte, “U.S. counsel”).

17 In this case and the related case *Munhwa Broadcasting Corp. v. Create New*
 18 *Technology (HK) Co. Ltd.*, CV14-4213-RGK-RZx (C.D. Cal.)¹, with the exception
 19 of one direct call with Create, U.S. counsel has communicated with Create through
 20 an independent, intermediary local China counsel Annie Ma, with the law firm of
 21 King & Future IP Consultancy Limited, in Shenzhen, PRC (“China counsel”).
 22 (Warlick Decl. ¶2.) U.S. counsel has repeatedly requested more direct
 23 communication, but Create has declined. (*Id.*) Notwithstanding this added
 24 complexity imposed by Create’s decision, China counsel was diligent and faithful in
 25 her role as intermediary by all appearances.

26
 27

¹ On April 17, Create filed a similar motion to withdraw in the related *Munhwa Broadcasting* case.
 28 (CV14-4213 Doc. No. 174.)

1 On Friday, April 10, 2015, Create directed its U.S. counsel to cease work on
 2 this matter, terminated the undersigned counsel's representation of Create, and
 3 consented to this motion to withdraw. (*See* Warlick Decl. ¶3, Ex. 1.) In response to
 4 Create's direction to cease work, U.S. counsel gave written notice to Create, through
 5 China counsel, of the consequences of its inability to proceed *pro se*. (*Id.* ¶4.) U.S.
 6 counsel also informed Create, through China counsel, of the consequences of
 7 Create's directive to cease all work in this matter. (*Id.* ¶5.) In addition, on April 13,
 8 2015, Create's China counsel confirmed that Create will not file an answer or
 9 otherwise respond on April 22 and will not respond to Plaintiffs' motion for
 10 preliminary injunction. (*Id.* ¶6.)

11 U.S. counsel has had difficulty in communicating with Create about its
 12 discovery obligations in a related case, *Munhwa Broadcasting Corp. v. Create New*
13 Technology (HK) Co. Ltd., CV14-4213-RGK-RZx (C.D. Cal.). For example, in
 14 response to written discovery requests served by plaintiffs on February 17, 2015,
 15 U.S. counsel sent a memorandum to Create, through China counsel, summarizing
 16 and explaining the written discovery requests, and asking the China counsel to assist
 17 in collecting information and documents. (*Id.* at ¶7, 8.) Over the next few weeks,
 18 U.S. counsel made repeated efforts to supervise Create and China counsel in
 19 complying with plaintiffs' discovery requests. (*Id.* at ¶9, 10.) Nonetheless, Create
 20 did not provide certain documents and information requested by U.S. counsel, or
 21 adequately explain why the documents and information were not provided, despite
 22 repeated efforts by U.S. counsel to obtain the documents and an explanation. (*Id.* at
 23 ¶10.)

24 U.S. counsel also had difficulty communicating with Create regarding the
 25 deposition of Mr. Wenwei Zhang in the *Munhwa Broadcasting* case. Weeks before
 26 the deposition, Create, through China counsel, confirmed that Mr. Zhang would
 27 apply for a U.S. visa to attend depositions in Atlanta on April 1 and 2, 2015. (*Id.*
 28 ¶11.) U.S counsel reminded Create, through China counsel, of the deposition

1 several times. (*Id.*) On March 30, two days before the deposition, Create, through
 2 China counsel, informed U.S. counsel for the first time that Mr. Zhang's U.S. visa
 3 application had not been granted. (*Id.*) U.S. counsel immediately informed
 4 Plaintiffs and the deposition was postponed. (*Id.*)

5 On Thursday, April 9, *Munhwa Broadcasting* plaintiffs filed an *Ex Parte*
 6 Application to compel discovery, including the deposition of Mr. Zhang. (CV14-
 7 4213, Doc. No. 165.) Magistrate Judge Zarefsky granted the *Ex Parte* Application,
 8 on April 13, 2015, compelling certain discovery by April 15. (CV14-4213, Doc.
 9 No. 170.) U.S. Counsel, through China counsel, provided Create with a copy and an
 10 explanation of this order, but Create has declined to provide any of the ordered
 11 discovery or otherwise provide any information for U.S. Counsel to respond. (See
 12 Warlick Decl. ¶12, 13.)

13 U.S. counsel will continue to provide notice of Court filings to Create. (*Id.*
 14 ¶13.) Once U.S. counsel withdraws, the best contact for Create is: Room D, 10/F,
 15 Tower A, Billion Centre, 1 Wang Kwong Road, Kowloon Bay, Kowloon, Hong
 16 Kong. (Warlick Decl. ¶14.)

17 **C. LEGAL ARGUMENT**

18 There is good cause for the withdrawal of U.S. counsel because Create
 19 consents. *See* L.R. 83-2.3.2, 83-2.3.5; *see Stafford v. Mesnik*, 63 F.3d 1445, 1449
 20 (7th Cir. 1995) (noting a "letter to the court confirm[ing] that [the client] had asked
 21 [counsel] to stop efforts in his defense"). There is also good cause under the Rules
 22 of Professional Conduct of the State Bar of California because of Create's refusal to
 23 participate in this litigation. *See* Rule 3-700(C)(1)(d) (allowing permissive
 24 withdrawal where the client: "by other conduct renders it unreasonably difficult for
 25 the member to carry out the employment effectively.")

26 As discussed above, following repeated attempts by U.S. counsel to have
 27 Create comply with its discovery obligations in the *Munhwa Broadcasting* case and
 28

1 hampered by Create's refusal to communicate with U.S. counsel directly, but instead
 2 through Create's China counsel, on Friday, April 10, 2015, Create directed its U.S.
 3 counsel to cease work on this matter, terminated the undersigned counsel's
 4 representation of Create, and consented to this motion to withdraw. (*See* Warlick
 5 Decl. ¶3, Ex. 1.) The Director of Create, Zhang Wenwei, signed a written consent
 6 and approval of this motion. (*Id.*) In accordance with L.R. 83-2.3.4, Create has
 7 been instructed that it may not proceed *pro se*, and has been given written notice of
 8 the consequences of its inability to appear *pro se*. (*Id.*)

9 Additionally, the withdrawal will not cause any delay or prejudice to
 10 Plaintiffs. Create has instructed U.S. Counsel to cease all substantive work in this
 11 matter. (*See* Warlick Decl. ¶3, Ex. 1.) Through China counsel, Create has stated
 12 that it will not file an answer or otherwise respond on April 22 and will not respond
 13 to Plaintiffs' motion for preliminary injunction. (*See* Warlick Decl. ¶6.) For
 14 example, in the *Munhwa Broadcasting* case, after Magistrate Judge Zarefsky
 15 granted the *Ex Parte* Application, compelling certain discovery by April 15, (Doc.
 16 No. 170), U.S. Counsel provided a copy of the order and an explanation to Create's
 17 China counsel. (*Id.* ¶12, 13.) However, Create has not provided any of the ordered
 18 discovery or otherwise provided any information for U.S. Counsel to respond. (*Id.*
 19 ¶13) Thus, in light of Create's refusal to participate further, there is no prejudice to
 20 Plaintiffs by undersigned counsel's withdrawal because the undersigned counsel
 21 cannot obtain Create's participation in the litigation. The undersigned counsel's
 22 presence (or absence) will have absolutely no impact on any possible delay or
 23 prejudice.

24 Finally, withdrawal is warranted under the Rules of Professional Conduct of
 25 the State Bar of California based on Create's refusal to respond to upcoming
 26 deadlines, and U.S. counsel's inability to effectively communicate with Create. *See*
 27 Rule 3-700(C)(1)(d); *see also Leatt Corp. v. Innovative Safety Tech., LLC*, No. 09-
 28 CV-1301, 2010 WL 444708, at *2 (S.D. Cal. Feb. 2, 2010) (citing Rule 3-

1 700(C)(1)(d), the Court allowed counsel to withdraw where the client “indicated that
 2 it will no longer participate in the litigation”); *U.A. Local 342 Joint Labor-*
 3 *Management Committee v. South City Refrigeration, Inc.*, 2010 WL 1293522, * 3
 4 (N.D. Cal. Mar. 31, 2010) (finding good cause to withdraw based on, among other
 5 things, the client’s “fail[ure] to cooperate”); *Lewis v. Nevada County*, 2009 WL
 6 463510, *1 (E.D. Cal. Feb. 23, 2009) (allowing withdrawal based on client’s failure
 7 to cooperate and heed counsel’s advice).

8 In accordance with L.R. 83-2.3.3, U.S. counsel has provided notice of this
 9 motion to all parties in this action that have made an appearance. On April 9, 2015,
 10 U.S. counsel sent an email regarding the substance of this motion to counsel for
 11 Plaintiffs. On April 13, 2015, Mr. Jeff Lee, Esq., made an appearance on behalf of
 12 HongHui Chen. On April 14, 2015, U.S. counsel sent an email regarding the
 13 substance of this motion to Mr. Jeff Lee, Esq. No other party has made an
 14 appearance as of the filing of this motion.

15 **D. CONCLUSION**

16 Accordingly, Harry A. Zinn and Lester F. Aponte with Young, Zinn & Bate
 17 LLP respectfully request that this Court grant the motion to withdraw as counsel for
 18 Create.

19 DATED: April 17, 2015

20 By: /s/ Lester F. Aponte

21 Harry A. Zinn

22 Lester F. Aponte

23 YOUNG, ZINN & BATE LLP

24 Attorneys for Defendant
 25 CREATE NEW TECHNOLOGY (HK)
 26 CO. LTD.

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of 18 and not a party to the within action. My business address is 888 S. Figueroa Street, 15th Floor, Los Angeles, California 90017.

5 On April 17, 2015, I hereby certify that I electronically filed the foregoing
6 document described as **MEMORANDUM OF POINTS AND AUTHORITIES IN**
7 **SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR**
8 **DEFENDANT CREATE NEW TECHNOLOGY (HK) CO. LTD.** with the Clerk
9 of the Court for the United States District Court, Central District of California.
10 Participants in the case who are registered users will be served by the CM/ECF
system, electronically transmitted on the following interested parties in this action at
the emails addressed below:

<p>Carla A. McCauley, Esq. DAVIS WRIGHT TREMAINE LLP 865 So. Figueroa Street 24th Floor Los Angeles, CA 90017 Tel: (213) 633-6800 Fax: (213) 633-6899 Email: <u>carlamccauley@dwt.com</u></p>	<p>Jen-Feng Lee LT PACIFIC LAW GROUP LLP 17800 Castleton Street, #560 City of Industry, CA 91748 Tel: (626) 810-7200 Fax: (626) 810-7300 Email: <u>jlee@ltpacificlaw.com</u></p>
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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 17, 2015, at Los Angeles, California.

Patty Flores
Patty Flores

EXHIBIT G

Chapter:	622	Companies Ordinance	Gazette Number	Version Date
		Long title	L.N. 163 of 2013	03/03/2014

An Ordinance to reform and modernize Hong Kong company law, to restate part of the enactments relating to companies, to make other provision relating to companies, and to provide for incidental and connected matters.

[Parts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19 and 21	}
Part 2, except—	}
section 27(3), (4), (5) and (6) in so far as it relates to a director or reserve director	}
sections 47, 49, 50, 51 and 52 and Subdivision 2 of Division 7	}
Part 12, except—	}
section 643(1)(a)(ii), (2)(b) and (3)(b) in so far as it relates to a correspondence address	}
sections 643(5), 644, 645(5), 647(4) and (5), 651 and 657(2)(g)	}
Part 16, except sections 791(4) and 802(4) and (5)	}
Part 20, except section 908	}
Schedules 1, 3, 4, 5, 7, 9 and 10	}
Schedule 2, except section 3(1)(a)(iii) and (2)	}
Schedule 6, except sections 3 and 4	3 March 2014 <i>L.N. 163 of 2013]</i>
Schedule 11, except section 115	}

(Enacting provision omitted—E.R. 1 of 2013)

(Originally 28 of 2012)

Part:	1	Preliminary	L.N. 163 of 2013	03/03/2014
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(*Format changes—E.R. 1 of 2013)

Note:

* The format of Part 1 has been updated to the current legislative styles.

Part:	1	Short Title and Commencement	L.N. 163 of 2013	03/03/2014
Division:	1			

Section:	1	Short title and commencement	L.N. 163 of 2013	03/03/2014
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- (1) This Ordinance may be cited as the Companies Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

Part:	1	Interpretation of this Ordinance: General	L.N. 163 of 2013	03/03/2014
Division:	2			

- (i) the company; and
- (ii) every responsible person of the company;
- (b) a person who commits an offence mentioned in paragraph (a) is liable to a fine not exceeding level 5 and, in the case of a continuing offence, to a further fine not exceeding \$1000 for each day during which the offence continues;
- (c) the Court may—
 - (i) by order compel an immediate inspection of company records;
 - (ii) by order direct that a copy of company records, or a copy of a trust deed, be provided to a person entitled to be provided with the copy; and
 - (iii) make any order as to the time, duration and manner of inspection, including the circumstances in which and the extent to which the copying of information is permitted in the course of inspection; and
- (d) if company records or a trust deed is kept at the office of a person other than the company concerned, an order mentioned in paragraph (c) may be made against that other person and that other person’s officers and other employees (if any).

(5) Nothing in any provision of this Ordinance or in the regulations made under this section is to be construed as preventing a company—

- (a) from providing more extensive facilities than are required by the regulations; or
- (b) if a fee may be charged, from charging a lesser fee than that prescribed or none at all.

(6) In this section—

trust deed(信託契據) means a trust deed or any other document securing the issue of debentures.

Part:	12	Registered Office and Publication of Company Names	L.N. 163 of 2013	03/03/2014
Division:	4			

Section:	658	Registered office of company	L.N. 163 of 2013	03/03/2014
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- (1) A company must have a registered office in Hong Kong to which all communications and notices may be addressed.
- (2) The intended address of a company’s registered office stated in the incorporation form registered in respect of the company is to be regarded as the address of its registered office with effect from the date of its incorporation until a notice of change in respect of the address is delivered to the Registrar under subsection (3).
- (3) If the address of a company’s registered office is changed, the company must deliver to the Registrar for registration a notice of the change in the specified form within 15 days after the change.
- (4) The inclusion in the annual return of a company of a statement as to the address of its registered office does not satisfy the obligation imposed by subsection (3).
- (5) If a company contravenes subsection (1) or (3), the company, and every responsible person of the company, commit an offence, and each is liable to a fine at level 5 and, in the case of a continuing offence, to a further fine of \$1000 for each day during which the offence continues.

Section:	659	Requirement to disclose company name, etc.	L.N. 163 of 2013	03/03/2014
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- (1) The Financial Secretary may make regulations to require companies—
 - (a) to display prescribed information in prescribed locations;
 - (b) to state prescribed information in common seals, and in prescribed descriptions of documents or communications; and
 - (c) to provide prescribed information on request to those they deal with in the course of their business.
- (2) The regulations—
 - (a) may in prescribed circumstances require disclosure of the name of the company;
 - (b) may make provision as to the manner in which any prescribed information is to be displayed, stated or provided; and
 - (c) may exempt a company from any requirement of the regulations made under subsection (1).
- (3) The regulations may provide that, for the purposes of any requirement to disclose a company’s name, any

- (a) the second business day after the day on which the document or information is sent or supplied;
- (b) the time set out in subsection (3) or (4).

(3) If that other person is not a company, the time set out for the purposes of subsection (2)(b) is—

- (a) where that other person is a member of the company, the time specified for the purpose in the company’s articles;
- (b) where that other person is a debenture holder of the company, the time specified for the purpose in the instrument creating the debenture; or
- (c) where that other person is not such a member or holder, the time specified for the purpose in any agreement between the person and the company.

(4) If that other person is a company, the time set out for the purposes of subsection (2)(b) is—

- (a) where that other person is a member of the company, the time specified for the purpose in the company’s articles;
- (b) where the company is a member of that other person, the time specified for the purpose in the person’s articles;
- (c) where that other person is a debenture holder of the company or where the company is a debenture holder of that other person, the time specified for the purpose in the instrument creating the debenture; or
- (d) where neither that other person nor the company is such a member or holder, the time specified for the purpose in any agreement between the person and the company.

Section:	825	Address specified for purposes of sections 831(3)(b)(iii) and 832(2)(b)	L.N. 163 of 2013	03/03/2014
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- (1) This section specifies the address, in relation to a document or information sent or supplied by a company to another person, for the purposes of sections 831(3)(b)(iii) and 832(2)(b).
- (2) Subject to subsections (3) and (4), the address is—
 - (a) an address specified for the purpose by that other person generally or specifically; or
 - (b) an address to which a provision of this Ordinance authorizes or requires the document or information to be sent or supplied.
- (3) If that other person (whether or not a company) is a member, debenture holder, director or company secretary of the company, the address is—
 - (a) the address specified in subsection (2); or
 - (b) the person’s address as shown in the company’s register of members, register of debenture holders, register of directors or register of company secretaries.
- (4) If that other person is a company and is not a person covered by subsection (3), the address is—
 - (a) the address specified in subsection (2); or
 - (b) its registered office.
- (5) If the company is unable to obtain an address specified in subsection (2), (3) or (4), the address is that other person’s address last known to the company.

Section:	826	Effect of this Part on sending documents etc. to Registrar	L.N. 163 of 2013	03/03/2014
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In its application in relation to documents or information to be sent or supplied to the Registrar, this Part has effect subject to Part 2.

Part:	18	Service of Document on Company	L.N. 163 of 2013	03/03/2014
Division:	2			

Section:	827	Service of document	L.N. 163 of 2013	03/03/2014
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A document may be served on a company by leaving it at, or sending it by post to, the company’s registered office.

PROOF OF SERVICE BY FEDERAL EXPRESS

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566. I am familiar with the practice at my place of business for collection and processing of correspondence for overnight delivery by Federal Express. Such correspondence will be deposited with a facility regularly maintained by Federal Express for receipt on the next business day.

On May 1, 2015, I served the following document: **REQUEST TO ENTER DEFAULT AGAINST DEFENDANT CREATE NEW TECHNOLOGY (HK) LIMITED; DECLARATIONS OF CARLA A. MCCUALEY AND TSE WAI SUEN WITH EXHIBITS A TO G** by placing a **true copy or original** in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

SEE ATTACHED SERVICE LIST.

and by sealing the envelope and placing it for collection and delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on May 1, 2015, at Los Angeles, California.

Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Tania M. Moore
Print Name


Signature

SERVICE LIST

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